

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

)

vs.

) CR. NO. 2:08cr121-WHA-01

KENNETH JENKINS

)

**ORDER**

This case is before the court on a letter received on January 22, 2010, which has been docketed as a Motion to Reduce Sentence (Doc. #681).

By this motion, the Defendant requests that he be given credit against his term of imprisonment for the time he spent in home detention pending his self-surrender to a federal prison institution.

Program Statement, Sentence Computation Manual, Federal Bureau of Prisons, pages 1-14G-1-14H specifically provides that “house arrest . . . is not considered as time in official detention.”

The Eleventh Circuit Court of Appeals, in *Rodriguez v. Lamer*, 60 F.3d 745, 748 (11th Cir. 1995) addressed the question of credit for presentence confinement under 18 U.S.C. § 3585(b) (Calculation of a term of imprisonment - (b) Credit for prior custody) and rejected the characterization of pretrial home confinement as “official detention” for purposes of awarding sentencing credit. *See also, Dawson v. Scott*, 50 F.3d. 884, 888 (11th Cir. 1995) (“[W]e have joined other circuits that have determined that custody or official detention time is not credited toward a sentence until the convict is imprisoned, and that release stipulations or imposed

conditions that do not subject a person to full physical incarceration do not qualify as official detention.”); *United States v. Clemons*, 228 F.Appx. 888, 890 (11th Cir. 2007).

Since the law does not allow home detention to be credited against a term of imprisonment, it is hereby

ORDERED that the motion is DENIED.

DONE this 2nd day February, 2010.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE